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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,711	07/08/2005	Sajed Husein	66286-5001	4022
24574 7590 04/14/2009 JEFFER, MANGELS, BUTLER & MARMARO, LLP 1900 AVENUE OF THE STARS, 7TH FLOOR LOS ANGELES, CA 90067				
EXAMINER				
FAN, HUA				
ART UNIT		PAPER NUMBER		
2456				
MAIL DATE		DELIVERY MODE		
04/14/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/541,711

Applicant(s)

HUSEIN, SAJED

Examiner

HUA FAN

Art Unit

2456

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 and 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), filed on 2/25/2009 in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/25/2009 has been entered. Claims 1-20 and 23 are pending.

Response to Arguments

2. Applicant's arguments have been fully considered but they are not persuasive. All arguments are responded to in the following rejections and/or further clarifications to the corresponding claims.

Any remark, which is not in claimed language, is not being considered by Examiner.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1-3, 5-13, 15-20 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maciulewicz (US patent 5751572), in view of Paul (US patent 6687817).

As to claim 1, Maciulewicz discloses a building management system (figure 2, "Heating/Cooling System"; col. 1, lines 51-53, "HVAC communication system") comprising:

a plurality of controller devices (figure 2, component 20, 18, and 16 “Zone Controller”),
and

a front end device (figure 2, component 12 “Master Controller”; col. 2, line 66 – col. 3, line 4, “master controller receives information from network system control...include an emergency shutdown notification” therefore a master controller is a front end device relative to zone controllers), and

the front-end device is networked to the plurality of controller devices and being adapted to respond to a configuration data request by broadcasting a configuration data response containing the required configuration data to all the controller devices (col. 1, lines 51-67, “master controller... broadcast control information to its respective zone controllers...respond to any messages that may be provided to it from any device within the HVAC communication system...a specific change that may need to be made to the operating parameters of zone controllers”), and

wherein each broadcast configuration data response includes sufficient information to enable each controller device to determine whether to act on or ignore the broadcast configuration data response (col. 5, lines 44-48, “each zone controller...to determine the relevance of the packet to the particular zone controller”; col. 2, lines 4-13, “each zone controller...to check for a master controller identification appearing in the data packet...matches a master controller identification previously stored in the zone controller”; col. 2, lines 4-15, “each zone controller...check for a master controller identification appearing in the data packet. In the event that the master controller identification within the data packet matches a master

controller identification...proceed to incorporate any information in the data packet into the control memory for the particular zone controller. In this manner, each zone controller connected to the network communication bus either receives or rejects a particular data packet emanating from a master controller on the network").

However, Maciulewicz does not expressly disclose each controller device of the plurality of controller devices is adapted to transmit a configuration data request if not configured to perform its appointed role, the configuration data request containing data that indicates at least one of the type and the functionality of the controller device requiring the configuration data. Paul discloses a new device multicasts configuration request if not configured to perform its appointed role during its boot up process (col. 3, lines 29-34, "the new device 310 begins its boot up process... suspends its boot up process and multicasts configuration request on the network 310" indicates that the new device is adapted to transmit configuration data request if not configured to perform its appointed role, "communicate on that network", see col. 1, lines 40-46, "before this device 250 can be accessed through the network 210, it must be configured to communicate on that network") and receives the configuration data from the configuration computer (col. 3, lines 59-61), the configuration data request containing data that indicates at least one of the type and the functionality of the controller device requiring the configuration data (col. 6, paragraph 3, "announce that the NAS device 730 is a device needing configuration...TCP/IP configuration information" where "NAS device" is a type, and "TCP/IP" is the functionality of the controller). In addition, Paul further discloses the configuration computer can be a front-end device that has interface to user (figure 3, component 300, "Network Administrator/Terminal/Configuration computer").

At the time of invention, it would have been obvious to a person of ordinary skilled in the art to combine the teachings disclosed by Maciulewicz, with the teachings disclosed by Paul regarding a new device multicasts configuration request as part of its boot up process and receives the configuration data from the front-end device, the configuration data request containing data that indicates at least one of the type and the functionality of the controller device requiring the configuration data. The suggestion/motivation of the combination would have been to boot up and configure a new device added to the network (Paul, lines 29-34) and allow the new device to function within the network (Paul, col. 4, lines 44-45).

As to claim 5, Maciulewicz-Paul teaches all limitations of claim 1. Furthermore, Paul discloses each controller device is adapted to broadcast a configuration data request to all the other controller devices and the front end device (col. 3, lines 30-34, "multicasts a configuration request 330 on the network 310" implies that all devices including the front end device will receive the request). Maciulewicz further discloses each data packet includes ~~sufficient~~ information to enable each device receiving it to determine whether to act on or ignore the incoming packets (figure 9, each zone controller only accepts packets directed to its own zone address or broadcasting packets that were from its master controller; figure 5A, master controller only stores received zone control information after determining the device code equal to zone controller code).

As to claim 8, Maciulewicz-Paul teaches all limitations of claim 1. Furthermore, Paul discloses each controller device is adapted to check on power-up whether or not it has configuration data to perform its appointed role (col. 3, lines 31-38, "before the new device

configures the network settings it suspends the boot process and multicasts a configuration request”).

Maciulewicz and Paul have been previously cited for claims 2-3, 6-7 and 9-10's rejections in the prior Office Action. The citations applicable are hereby incorporated by reference.

Claims 11-13 and 15-20 are method claims corresponding to system claims 1-3 and 5-10 respectively. Therefore they have been analyzed and rejected based upon system claims.

As to claim 23, Maciulewicz discloses a building management system (figure 2, "Heating/Cooling System"; col. 1, lines 51-53, "HVAC communication system") comprising a front end device (figure 2, component 12 "Master Controller"; col. 2, line 66 – col. 3, line 4, "master controller receives information from network system control...include an emergency shutdown notification" therefore a master controller is a front end device relative to zone controllers) networked to a plurality of controller devices (figure 2, component 20, 18, and 16 "Zone Controller"), wherein:

the front end device is adapted to respond to a configuration data request by broadcasting a configuration data response to all the controller devices (col. 1, lines 51-67, "master controller... broadcast control information to its respective zone controllers...respond to any messages that may be provided to it from any device within the HVAC communication system...a specific change that may need to be made to the operating parameters of zone controllers"),

each such configuration data response comprising the configuration data required by the controller device and information to enable each controller device to determine whether to act on or ignore the configuration data response (col. 1, lines 51-59, "master controller... broadcast control information to its respective zone controllers...respond to any messages that may be provided to it from any device within the HVAC communication system...a specific change that may need to be made to the operating parameter of zone controllers associated with the master controller"; col. 5, lines 44-48, "each zone controller...to determine the relevance of the packet to the particular zone controller"; col. 2, lines 4-13, "each zone controller...to check for a master controller identification appearing in the data packet...matches a master controller identification previously stored in the zone controller"; col. 2, lines 4-15, "each zone controller...check for a master controller identification appearing in the data packet. In the event that the master controller identification within the data packet matches a master controller identification...proceed to incorporate any information in the data packet into the control memory for the particular zone controller. In this manner, each zone controller connected to the network communication bus either receives or rejects a particular data packet emanating from a master controller on the network").

Maciulewicz does not expressly disclose each controller device is adapted to check whether or not it has configuration data to perform its appointed role, the configuration data pertaining to at least one of the type and the functionality of the controller device requiring the configuration data and, if not, to transmit a configuration data request, the configuration data request containing data that indicates one of the type and the functionality of the controller device requiring the configuration data; and the front end device's response is based on request

from a controller device and the configuration data transmitted are required by the controller device that transmitted the configuration data request. Paul discloses a new network device is adapted to check whether or not it has configuration data to perform its appointed role, the configuration data pertaining to at least one of the type and the functionality of the controller device requiring the configuration data; and, if not, to transmit a configuration data request, the configuration data request containing data that indicates one of the type and the functionality of the controller device requiring the configuration data (col. 3, lines 29-34, “the new device 310 begins its boot up process... suspends its boot up process and multicasts configuration request on the network 310” indicates that the new device is adapted to check whether configuration data to perform its appointed role, “communicate on that network”, see col. 1, lines 40-46, “before this device 250 can be accessed through the network 210, it must be configured to communicate on that network”; col. 6, paragraph 3, “announce that the NAS device 730 is a device needing configuration...TCP/IP configuration information” where “NAS device” is a type, and “TCP/IP” is the functionality of the controller) and the front end device’s response is based on request from a controller and the configuration data transmitted are required by the controller device that transmitted the configuration data request (col. 3, lines 59-61; figure 4, in response to new device’s request as indicated in component 410, the configuration computer transmits configuration data required by the new device that transmitted the configuration data request in components 420-440). In addition, Paul further discloses the configuration computer can be a front-end device that has interface to user (figure 3, component 300, “Network Administrator/Terminal/Configuration computer”).

At the time of invention, it would have been obvious to a person of ordinary skilled in the art to combine the teachings disclosed by Maciulewicz, with the teachings disclosed by Paul regarding each controller device is adapted to check whether or not it has configuration data to perform its appointed role and, if not, to transmit a configuration data request; and the front end device's response is based on request from a controller device and the configuration data transmitted are required by the controller device that transmitted the configuration data request. See similar motivation in claim 1 rejection.

5. Claims 4 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maciulewicz in view of Paul, as applied to claim 1 and 11, and further in view of Donahue et al (US patent 7313606).

Maciulewicz, Paul, and Donahue have been previously cited for claim 4's rejection in the prior Office Action. The citations applicable are hereby incorporated by reference.

As to claim 14, see similar rejection to claim 4.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUA FAN whose telephone number is (571)270-5311. The examiner can normally be reached on M-F 9am-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/H. F./
Examiner, Art Unit 2456

/Bunjod Jaroenchonwanit/
Supervisory Patent Examiner, Art Unit 2456